

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
HELENA DIVISION

RAY DEAN WILSON,

Plaintiff,

v.

THE UNITED STATE JUDGESHIP,
JERISDICTION [sic] VENUE,

Defendants.

CV 16-00076-H-DLC-JTJ

FINDINGS AND RECOMMENDATIONS OF
UNITED STATES MAGISTRATE JUDGE

Plaintiff Ray Dean Wilson filed a document entitled, “In Re: Judicial Caprice in Kidnaping/Homicide Capital Crime.” (Doc. 1.) The filing was liberally construed as a civil rights complaint. (Doc. 1.) The Court screened the filing pursuant to 28 U.S.C. § 1915 and concluded that it failed to state a claim and was subject to dismissal. As it might have been possible to cure the defects with the allegation of additional facts, Mr. Wilson was given an opportunity to file an amended complaint on or before June 2, 2017. (Doc. 7.) He did not do so.

Accordingly, for the reasons set forth in the Court’s Order dated May 19, 2017 (Doc. 7), the Court issues the following:

RECOMMENDATIONS

1. This matter should be DISMISSED WITH PREJUDICE for failure to state a claim.
2. The Clerk of Court should be directed to close this matter and enter judgment in favor of Defendants pursuant to Rule 58 of the Federal Rules of Civil Procedure.
3. The Clerk of Court should be directed to have the docket reflect that the Court certifies pursuant to Rule 24(a)(3)(A) of the Federal Rules of Appellate Procedure that any appeal of this decision would not be taken in good faith. No reasonable person could suppose an appeal would have merit. The record makes plain the Complaint lacks arguable substance in law or fact.

NOTICE OF RIGHT TO OBJECT TO FINDINGS & RECOMMENDATIONS AND CONSEQUENCES OF FAILURE TO OBJECT

Mr. Wilson may file objections to these Findings and Recommendations within fourteen (14) days after service (mailing) hereof.¹ 28 U.S.C. § 636. Failure to timely file written objections may bar a de novo determination by the district judge and/or waive the right to appeal.

¹As this deadline allows a party to act after the Findings and Recommendations is “served,” it falls under Fed.R.Civ.P. 6(d). Therefore, three (3) days are added after the period would otherwise expire.

This order is not immediately appealable to the Ninth Circuit Court of Appeals. Any notice of appeal pursuant to Fed.R.App.P. 4(a), should not be filed until entry of the District Court's final judgment.

DATED this 28th day of June 2017.

/s/ John Johnston
John Johnston
United States Magistrate Judge